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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,890	10/28/2003	Taku Higashiyama	03560.003378	4028

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30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
TRAN, THANG V	

ART UNIT	PAPER NUMBER
2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/693,890

Applicant(s)

HIGASHIYAMA, TAKU

Examiner

Thang V. Tran

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The amendment dated 01/08/07 has been considered with the following results:

Claim Rejections - 35 USC § 102

1. The indicated allowability of claims 6 and 7 is withdrawn due their newly amended parent claim 1 and in view of the newly discovered reference(s) to Yoshida et al (US 5,003,521). Rejections based on the newly cited reference(s) follow.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4-7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (US 5,003,521).

Regarding claims 1 and 14, Yoshida et al, according to Figs. 2 discloses a recording-medium identification device for identifying a recording medium type, the recording-medium

identification device comprising: light-emitting means (1) for applying light on the surface in a predetermined direction other than a direction normal to the surface; detection means (5) for detecting an amount of light reflected in a direction backward to an incident direction of the light emitted by the light emitting means; and identification means (30) for identifying the type of the recording medium based on the amount of light detected by the detection means as recited in claim 1 and corresponding functional method claim 14. Note: since the direction of the light beam to the surface of the medium in the instant claimed invention is not clearly defined, any direction of beam to the surface of the medium can be considered either normal or abnormal direction in an optical art. In the instant case, the direction of the light beam from laser (1) to the surface of the medium (20) is considered as a direction other than the direction normal to the surface of the medium due to the broadest presentation of the claimed languages.

Regarding claim 4, see laser 1 in Fig. 2.

Regarding claim 5, see detector 5 in Fig. 2 as detection means as recited in this claim.

Regarding claims 6 and 7, see reflector (2), which is interpreted as a half-mirror, positioned between the light emitting means (1) and the recording medium (20) for reflecting light reflected off the surface of the medium in a predetermined direction (direction to detection means 5).

4. Claims 1-5 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US 6,561,643).

Regarding claims 1 and 14, see Figs. 21 and 35-37 of Walker et al. which disclose a recording-medium identification device for identifying a recording medium type, the recording-

medium identification device comprising: light-emitting means (520) for applying light on the surface in a predetermined direction other than a direction normal to the surface; detection means (130) for detecting an amount of light reflected in a direction backward to an incident direction of the light emitted by the light emitting means; and identification means (controller 35 in Fig. 1 and its operation in Fig. 13) for identifying the type of the recording medium based on the amount of light detected by the detection means as recited in claim 1 and corresponding functional method claim 14.

Regarding claims 2 and 15, see detector 130' in Fig. 21 for detecting the amount of specular light reflected off the surface of the recording medium as recited claim 2 and corresponding method claim 15.

Regarding claims 3 and 16, see detector 130 in Fig. 21 as diffusely-reflected-light-detection means for detecting an amount of diffusely reflected light of the light reflected off the surface of the recording medium, the diffusely reflected light being reflected at a predetermined angle other than the angle at which the light applied by the light emitting means is made incident as recited in claim 3 and corresponding method claim 16.

Regarding claim 4, see light source 520 in Fig. 21 as a laser light.

Regarding claim 5, see detectors 103 and 130' as a semiconductor light receiving element for detecting the amount of received light reflected off the surface of the recording medium.

Allowable Subject Matter

5. Claims 8-13 are allowable over the prior art of record as for the same reasons previously provided in the last Office action dated 10/06/06.

Response to Arguments

6. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

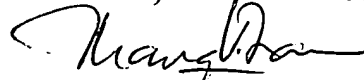
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thang V. Tran
Primary Examiner
Art Unit 2627